

REMARKS

This Response is submitted in reply to the Final Office Action dated July 13, 2004. Claims 1 to 62 are pending in the patent application. Claims 1, 6, 9, 12, 17, 21, 55 and 59 have been amended for clarification purposes. No new matter has been added by any of the amendments made herein. A Petition for a One-Month Extension of Time to Respond to the Office Action and a Request for Continued Examination ("RCE") are submitted herein. A check in the amount of \$900.00 is enclosed to cover the fees for the One-Month extension and the RCE. Please charge deposit account no. 02-1818 for any insufficiency or to credit any overpayment.

Claim 1 to 3, 5, 12, 14, 15, 25 to 29, 40 to 44 and 55 to 58 were rejected under 35 USC §102(e) as being anticipated by US Publication No. 2002/0086725A1 to Fasbender et al. ("*Fasbender*"). Claim 16 was rejected under 35 USC §103(a) as being unpatentable over *Fasbender*. Claims 4, 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62 were rejected under 35 USC §103(a) as being unpatentable over *Fasbender* in view of US Patent No. 5,775,692 due to Watts et al ("*Watts*"). Applicants respectfully disagree and traverse these rejections.

Regarding the rejection under § 102(e), amended Claim 1 is directed to a gaming device having a display device and a primary game adapted to be displayed by the display device. The primary game includes a set of reels having a plurality of primary symbols. A plurality of primary awards are associated with the primary symbols. The gaming device also includes a first secondary game adapted to be displayed by the display device which includes a set of reels having a plurality of secondary symbols where the secondary symbols include at least one different symbol than the primary symbols. The gaming device further includes a second secondary game adapted to be displayed by the display device. A plurality of secondary awards are associated with the secondary symbols in each of the secondary games. The secondary awards are different from the primary awards. In each play of the primary game, a processor of the gaming device causes the display device to display the set of reels in the primary game and randomly determines the primary symbols indicated by the set of reels in the primary game. The processor provides any primary awards associated with the primary symbols indicated on the reels of the primary game. The processor causes the display

device to replace the set of reels in the primary with the set of reels in the first secondary game when a first triggering event occurs in the primary game. The processor randomly determines the secondary symbols indicated by the set of reels in the first secondary game and provides any secondary awards associated with the secondary symbols indicated on the reels. The processor causes the display device to replace the set of reels with the second secondary game when a second triggering event occurs in the first secondary game. The primary game does not include a triggering event which causes the processor to cause the display device to display the second secondary game. *Fasbender* does not disclose, teach or suggest the combination of such elements.

Fasbender is directed to a gaming device having a primary game and at least one secondary or bonus game where the player selects paylines in the primary game and initiates one or more bonus games when a designated symbol combination or certain symbols are located on the selected paylines. Regarding the secondary or bonus game, *Fasbender* states the following:

... one or more symbols 36 from the selected payline 35 in the primary game that qualified the player for the bonus round may be retained in bonus payline 38, while at least one symbol 36 from selected payline 35 is replaced through random generation, with another symbol from the predetermined set or from a "fresh" set of symbols 36, which preferably includes the same symbols 36 as the predetermined set. (see paragraph 0037; see also Fig.'s 1 and 2).

As further explained in paragraph 0057 (which is referring to Fig. 9):

... at least one symbol 36 from the corresponding selected payline 35 of the primary game is replaced with a randomly selected replacement symbol 36R. A player may be given the option to hold over one or more of the symbols 36 from the corresponding selected payline 35 ... to the bonus payline 38. (emphasis added)

The gaming device therefore examines each selected payline 35 in the primary or base game to determine if a trigger symbol 36T or other bonus round triggering event such as one or more predetermined symbol triggering combinations 36 have occurred. (See Fig. 2; paragraph 0036). If a bonus round is triggered, one or more of the symbols 36

from the selected payline 35 in the primary game that qualified the player for the bonus round may be randomly replaced with other symbols, either from the same set of symbols used in the primary game or alternatively, from a different set of symbols. After any of the symbols are replaced, the gaming device examines the bonus payline to determine if a winning combination of symbols has occurred on the bonus payline. If so, the gaming device provides a bonus award to the player based on the winning combination of symbols on the bonus payline.

Fasbender states that “a bonus game may be awarded for each selected payline of the primary game on which a triggering event occurs.” (See the Abstract). Accordingly, multiple bonus games can be awarded to the player if the player selects a plurality of paylines in the primary game and a triggering event occurs on each of those paylines. *Fasbender* states that “[a]n additional bonus event may also be awarded if a triggering event occurs in a predetermined or prespecified location” in the array of image sites. (See the Abstract). *Fasbender* thus provides that that more than one bonus game may be triggered from the primary game. However, contrary to the claimed invention, *Fasbender* does not disclose, teach or suggest providing a plurality of bonus games where any of the bonus games are initiated based on a triggering event occurring in a bonus game or in any other game other than the primary game.

Accordingly, *Fasbender* does not disclose, teach or suggest a processor that “causes the display device to replace the set of reels of the primary game with the set of reels in the first secondary game when a first triggering event occurs in the primary game” or a processor that “causes the display device to replace the set of reels in the first secondary game with the second secondary game when a second triggering event occurs in the first secondary game.” The Office Action states that in *Fasbender* “if all paylines are selected and certain symbols occur on each of the paylines, then the entire set of reels or simulated reels may be replaced.” (See the Office Action, page 8). Applicants respectfully disagree with the Office Action regarding *Fasbender*.

Fasbender does not disclose, teach or suggest replacing the entire set of reels in a primary game with another set of reels in a secondary game as in the claimed invention. Instead, *Fasbender* states that one or more of the symbols on the selected payline in the primary game, may be replaced in a bonus game initiated or triggered

from the primary game. Therefore, *Fasbender* teaches that the symbols may be replaced but does not teach the replacement of one or more of the reels.

Fasbender does not disclose, teach or suggest replacing the set of reels in the primary game with the set of reels in the first secondary game when a triggering event occurs in each play of the primary game. The Office Action states that "if all paylines are selected and certain symbol occur on each of the paylines, then the entire set of reels or simulated reels may be replaced." (Emphasis added)(See page 8). In the claimed invention, the processor replaces the reels in the primary game with the reels from the first secondary game each time a triggering event occurs in each play of the primary game.

Additionally, as described above, *Fasbender* states that a plurality of bonus games may be triggered from the primary game when a player selects more than one payline in the primary game and a triggering event occurs on a plurality of the selected paylines. *Fasbender* also states that a bonus event may initiated when a trigger symbol occurs and a predetermined or prespecified location of the array 30. (See the Abstract; Col. 5, ¶ 0058). However, *Fasbender* does not disclose, teach or suggest causing "the display device to replace the set of reels in the first secondary game with the second secondary game when a triggering event occurs in the first secondary game." *Fasbender* does not disclose, teach or suggest a second secondary game which is initiated based on a triggering event occurring in a bonus game or any other game except for the primary game.

For at least these reasons, Claim 1 and Claims 2 to 5, which depend from Claim 1, are each patentably distinguished over *Fasbender* and are in condition for allowance.

Claim 6 is directed to a gaming device including a base game, a first bonus game and a second bonus game. The base game includes a set of reels having a plurality of base game symbols. A plurality of base game awards are associated with those base game symbols. Additionally, the gaming device includes a first bonus game including a set of reels having a plurality of first bonus game symbols where the first bonus game symbols are different then the base game symbols and where there are less first bonus game symbols than base game symbols in the base game. This increases the

likelihood that a player will obtain an award in the first bonus game. The gaming device also includes a plurality of bonus game awards associated with the bonus game symbols in each of the bonus games wherein the bonus game awards are different than the base game awards. The gaming device further includes a display device and a processor in communication with the display device. In each play of the game, the processor causes the display device to display the set of reels associated with the base game and randomly determines the displayed base game symbols on those reels. The processor provides any base game awards associated with the base game symbols indicated on the reels in the base game. The processor then causes the display device to replace those reels with the set of reels associated with the first bonus game when a first triggering event occurs in the base game. The processor randomly determines the displayed first bonus game symbols in the first bonus game and provides any bonus game awards associated with the first bonus game symbols indicated on the reels in the first bonus game. The processor causes the display device to replace the reels in the first bonus game with the second bonus game when a second triggering event occurs in the first bonus game. The base game does not include a triggering event which causes the processor to provide the second bonus game.

As described above, *Fasbender*, does not disclose, teach or suggest replacing the set of reels in a primary game with another set of reels associated with the same game or a different game such as a bonus game. Furthermore, *Fasbender* does not disclose, teach or suggest a processor that causes the display device to replace the set of reels in the first bonus game with a second bonus game when a second triggering event occurs in the first bonus game. *Fasbender* also does not disclose, teach or suggest replacing a set of reels in a first bonus game with a second bonus game when a second triggering event occurs in the first bonus game or any bonus game initiated based on a triggering event that does not occur in the primary game. For at least these reasons, Claim 6 and Claims 7 to 8 which depend from Claim 6, are each patentably distinguished over *Fasbender* and are in condition for allowance.

Claim 9 is directed to a gaming device including similar elements to Claim 1. For at least the reasons described above, Claim 9 and Claims 10 and 11, which depend

from Claim 9 are each patentably distinguished over *Fasbender* and are in condition for allowance.

Claim 12 is directed to a method of operating a gaming device including the steps of displaying a primary game on the display device where the primary game includes a set of primary reels having a plurality of primary symbols. The method enables a player to play the primary game and provides any primary awards associated with the primary symbols indicated on the primary reels in the primary game to the player. The method includes removing the primary reels from the display device and replacing the primary reels on the display device with a set of secondary reels of a secondary game when a first triggering event occurs in the primary game. The secondary reels in the first secondary game include a plurality of secondary symbols which are different from the primary symbols. The method enables a player to play the first secondary game on the display device that provides any secondary awards associated with the secondary symbols indicated on the secondary reels in the first secondary game wherein the secondary awards are different then the primary awards. The method includes removing the secondary reels from the display device and replacing the secondary reels on the display device in the first secondary game with a second secondary game when a second triggering event occurs in the first secondary game. The primary game does not include a triggering event which causes the activation of the second secondary game.

In addition to the above discussion regarding *Fasbender*, *Fasbender* does not disclose, teach or suggest this combination of elements, and specifically does not teach or suggest removing the primary reels on the display device and replacing the primary reels with secondary reels in a first secondary game upon a first triggering event in the primary game. Nor does *Fasbender* disclose, teach or suggest removing the secondary reels on the display device in a first secondary game and replacing the secondary reels with a second secondary game upon a second triggering event in the first secondary game. For at least these reasons, Claim 12 and Claims 13 to 16, which depend from Claim 12 are each patentably distinguished over *Fasbender* and are in condition for allowance.

Regarding Claim 17, Claim 17 includes similar elements to Claims 1, 6, 9 and 12. Therefore, for at least the reasons provided above, *Fasbender* does not disclose, teach or suggest the combination of all the elements of Claim 17. Therefore, Claim 17 and Claims 18 to 20, which depend from Claim 17, are each patentably distinguished over *Fasbender* and are in condition for allowance.

Regarding Claim 21, Claim 21 includes similar elements to Claims 1, 6, 9, 12 and 17. Therefore, for at least the reasons provided above, *Fasbender* does not disclose, teach or suggest the combination of all the elements of Claim 21. Therefore, Claim 21 and Claims 22 to 24, which depend from Claim 21, are each patentably distinguished over *Fasbender* and are in condition for allowance.

Amended Claim 55 includes certain similar elements to Claims 1, 6, 9, 12, 17 and 21. In particular, amended Claim 55 includes replacing the set of reels in the primary game with the set of reels in the first secondary game when a first triggering event occurs in the primary game in each play of the primary game. Amended Claim 55 also includes causing the display device to remove the set of reels in the first secondary game from the display device and replace the set of reels in the first secondary game with the second secondary game when a second triggering event occurs in the first secondary game. As described above, *Fasbender* does not disclose, teach or suggest replacing and/or removing the set of reels from the primary game with a set of reels in a secondary game or removing and replacing a set of reels from a first secondary game with a second secondary game based on a second triggering event occurring in the first secondary game. Therefore, amended Claim 55 and Claims 56 to 58, which depend from amended Claim 55, are each patentably distinguished over *Fasbender* and are in condition for allowance.

Claim 59 is directed to a gaming device having similar elements to Claim 55. Therefore, for at least the reasons provided above with respect to Claim 55, Claim 59 and Claims 60 to 62 which depend from claim 59, are each patentably distinguished over *Fasbender* and are in condition for allowance.

Claim 16 was rejected under § 103(a) as being unpatentable over *Fasbender*. Claim 16 depends from independent Claim 12. Therefore, Applicants respectfully submit that Claim 16 is allowable for at least the reasons set forth above with respect to

Claim 12 because *Fasbender* does not disclose, teach or suggest the novel element of Claim 16 in combination with the novel elements of Claim 12. For these reasons, Claim 16 is patentably distinguished over *Fasbender* and is in condition for allowance.

Claims 4, 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62 were rejected under § 103(a) as being unpatentable over *Fasbender* in view of *Watts*.

The Office Action states that *Fasbender* discloses all of the elements of the claims except for the gaming device including less secondary or bonus symbols in a first secondary bonus game than the symbols in the primary or base game. The Office Action therefore attempts to remedy the deficiencies of *Fasbender* with *Watts*. Applicants respectfully submit that the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the elements of Claims 4, 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62.

Watts is directed to a gaming or amusement machine adding a two-stage or multi-stage operation. (See the Abstract). The amusement machine includes display panels 2 and 3 where each display panel has a set of three side-by-side windows 8 and 9 for reels 10 and 11. In one embodiment, if a winning symbol combination occurs on line 13 associated with reels 11, the other set of reels 10 are set spinning. The machine provides a prize to the player based on any winning combination of symbols on the reels. (Col. 2, lines 13 to 62).

As described above, *Fasbender* does not disclose, teach or suggest all of the elements of the claimed invention. Additionally, *Watts* does not remedy the deficiencies of *Fasbender* because *Watts* does not disclose, teach or suggest replacing any sets of reels with another set of reels. The reels 10 and 11 in *Watts* are fixed reels and cannot be replaced. There is no suggestion or teaching in *Watts* that either sets of reels can be replaced. (See Fig. 1 of *Watts*) *Watts* also does not disclose, teach or suggest replacing the set of reels in the first secondary game or bonus game with a second secondary game or bonus game when a second triggering event occurs in the first secondary game or bonus game. The second set of reels are activated based on a triggering event (i.e., a winning symbol combination on line 13) occurring in the first game or primary game, not in a secondary or bonus game. Moreover, *Watts* does not disclose, teach or suggest any of these elements in combination with a triggering of a

second secondary game through a first secondary game that is not triggered through the primary or base game. Therefore, the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the elements of claims 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62 as described above.

Regarding the rejection of these claims, Claim 4 depends from independent Claim 1. Therefore, Applicants respectfully submit that Claim 4 is allowable for at least the reasons set forth above with respect to Claim 1 because the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the novel element of Claim 4 in combination with the novel elements of Claim 1. For these reasons, Claim 4 is patentably distinguished over the combination of *Fasbender* and *Watts* and is in condition for allowance.

Claim 6 is described above. The combination of *Fasbender* and *Watts* does not disclose, teach or suggest the elements of Claim 6 and, specifically, this combination does not disclose or suggest a processor that causes a display device to replace a set of reels in a base game with a set of reels in a bonus game when a triggering event occurs in the base game. Also, the combination does not disclose a processor that causes the display device to replace the set of reels in the first bonus game with a second bonus game when a second triggering event occurs in the first bonus game. For at least these reasons, Claim 6 and Claims 7 and 8, which depend from Claim 6, are each patentably distinguished over the combination of *Fasbender* and *Watts* and are in condition for allowance.

Claim 9 is directed to a gaming device including a primary game, a set of primary reels in the primary game including a plurality of primary symbols, a set of primary reels in the primary game including a plurality of primary symbols, a plurality of primary awards associated with the primary symbols, a first secondary game and a set of secondary reels in the first secondary game including a plurality of secondary symbols. The secondary symbols of the first secondary game are different than the primary symbols and the plurality of secondary symbols of the first secondary game is less than the plurality of primary symbols of the primary game. The gaming device also includes a second secondary game and a plurality of secondary awards associated with the secondary symbols in each of the secondary games, where the secondary awards are

different than the primary awards. The gaming device further includes a display device and a processor. The processor is in communication with the display device.

Specifically the processor randomly determines the primary symbols indicated by the primary reels, provides any primary awards associated with the primary symbols indicated on the reels in the primary game and causes the display device to replace the primary reels with the secondary reels when a first triggering event occurs on the primary reels. In the secondary game, the processor randomly determines the secondary symbols indicated by the secondary reels, provides any secondary awards associated with the secondary symbols indicated on the reels in the first secondary game and replaces the secondary reels in the first secondary game with the second secondary game when a second triggering event occurs on the secondary reels in the first secondary game, where the primary game does not include a first triggering event which causes the processor to provide the second secondary game.

As described above, the combination of *Fasbender* and *Watts* does not disclose, teach or suggest these elements. For at least these reasons, Claim 9 and Claims 10 and 11, which depend from Claim 9, are each patentably distinguished from the combination of *Fasbender* and *Watts* and are in condition for allowance.

Claim 13 depends from independent Claim 12. Applicants respectfully submit that Claim 13 is allowable for at least the reasons set forth above with respect to Claim 12 because the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the novel element of Claim 13 in combination with the novel elements of Claim 12. For these reasons, Claim 13 is patentably distinguished over the combination of *Fasbender* and *Watts* and is in condition for allowance.

Claim 17 is directed to a method for operating a gaming device, where the method includes the steps of displaying a base game and a display device where the base game includes a set of reels having a plurality of base game symbols, enabling a player to play the base game and providing any base game awards associated with the base game symbols indicated on the reels in the base game. The next step includes removing the base game from the display device and replacing the base game on the display device with a first bonus game when a first triggering event occurs in the base game, where the first bonus game includes a set of reels having a plurality of first bonus

game symbols, and where the first bonus game symbols of the first bonus game are different than the base game symbols of the base game. Also, the plurality of first bonus game symbols in the first bonus game is less than the plurality of base game symbols in the base game. The gaming device enables a player to play the first bonus game and provides any bonus game awards associated with the first bonus game symbols indicated on the reels in the first bonus game, where the bonus game awards are different than the base game awards. The method includes removing the first bonus game from the display device and replacing the first bonus game with a second bonus game when a second triggering event occurs in the first bonus game, where the base game does not include a triggering event which causes activation of the second bonus game.

As described above, the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the elements of Claim 17 and, specifically, does not teach or suggest removing the base game from the display device and replacing the base game with a first bonus game when a first triggering event occurs in the base game and removing the first bonus game from the display device and replacing the first bonus game with a second bonus game when a second triggering event occurs in the first bonus game, where the base game does not include a triggering event which causes activation of the second bonus game.

For at least these reasons, Claim 17 and Claims 18 to 20, which depend from Claim 17, are each patentably distinguished over the combination of *Fasbender* and *Watts* and are in condition for allowance.

Claim 21 is also directed to a method for operating a gaming device and includes the steps of displaying on a display device a primary game including a set of primary reels having a plurality of primary symbols, enabling a player to play the primary game, providing any primary awards associated with the primary symbols indicated on the primary reels in the primary game to a player and removing the primary game from the display device and replacing the primary game with a first secondary game when a first triggering event occurs on the primary reels. The secondary game includes a set of secondary reels having a plurality of secondary symbols where the secondary symbols of the first secondary game are different than the primary symbols and the plurality of

secondary symbols of the first secondary game is less than the plurality of primary symbols of the primary game. The method includes enabling a player to play the first secondary game and providing any secondary awards associated with the secondary symbols indicated on the secondary reels in the first secondary game where the secondary awards are different than the primary awards. The method includes the step of removing the first secondary game from the display device and replacing the first secondary game with a second secondary game when a second triggering event occurs on the secondary reels in the first secondary game. The primary game does not include a triggering event which causes activation of the second secondary game.

For the same reasons provided above with respect to Claim 17, the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the elements of Claim 21. Therefore, Claim 21 and Claims 22 to 24, which depend from Claim 21, are each patentably distinguished from the combination of *Fasbender* and *Watts* and are in condition for allowance.

Claims 30 and 34 and Claims 35 to 39 depend from independent Claims 6 and 9, respectively. Applicants therefore respectfully submit that Claims 30 to 34 and Claims 35 to 39 are allowable for at least the reasons set forth above with respect to Claims 6 and 9 because the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the novel elements of Claim 30 to 34 and 35 to 39 in combination with the novel elements of Claims 6 and 9, respectively. For at least these reasons, Claims 30 to 34 and 35 to 39 are each patentably distinguished over the combination of *Fasbender* and *Watts* and are in condition for allowance.

Claims 45 to 49 and Claims 50 to 54 depend from Claims 17 and 21, respectively. Applicants therefore respectfully submit that Claims 45 to 49 and Claims 50 to 54 are allowable for at the reasons set forth above with respect to Claims 17 and 21 because the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the novel elements of Claims 45 to 49 and 50 to 54 in combination with the novel elements of Claims 17 and 21, respectively. For at least these reasons, Claims 45 to 49 and Claims 50 to 54 are each patentably distinguished over the combination of *Fasbender* and *Watts* and are in condition for allowance.

Claim 59 is directed to a gaming device that includes a base game including a set of reels having a plurality of base game symbols, a probability of obtaining a winning combination of base game symbols associated with each winning combination of the base game symbols, a first bonus game including a set of reels having a plurality of bonus game symbols where the bonus game symbols of the first bonus game are different than the base game symbols of the base game and where the plurality of bonus game symbols in the first bonus game is less than the plurality of base game symbols in the base game. The gaming device also includes a second bonus game, a probability of obtaining a winning combination of bonus game symbols associated with each winning combination of the bonus game symbols where the probabilities associated with the winning combinations of the bonus game symbols are different than the probabilities associated with the winning combinations of the base game symbols, a display device and a processor. In each play of the game, the processor is in communication with the display device and causes the display device to display the set of reels associated with the base game, randomly determines a winning combination of the base game symbols based on the probabilities associated with the winning combinations of base game symbols and causes the display device to remove the set of reels associated with the base game and replace the set of reels associated with the base game with the set of the reels associated with the first bonus game when a first triggering event occurs in the base game. The processor also randomly determines a winning combination of bonus game symbols in the first bonus game based on the probabilities associated with the winning combinations of the bonus game symbols and provides the second bonus game to the player when a second triggering event occurs in the first bonus game, where the base game does not include a triggering event which causes the processor to provide the second bonus game.

As described above, the combination of *Fasbender* and *Watts* does not disclose, teach or suggest the elements of Claim 59. Therefore, Claim 59 and Claims 60 to 62, which depend from Claim 59, are each patentably distinguished over the combination of *Fasbender* and *Watts* and are in condition for allowance.

Accordingly, Claims 4, 6 to 11, 13, 17 to 24, 30 to 39, 45 to 54 and 59 to 62 are each patentably distinguished over the combination of *Fasbender* and *Watts* and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned Attorney.

Respectfully submitted,

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